

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

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|---------------------------------|---|----------------------------------|
| UNITED STATES OF AMERICA | : | CRIMINAL NO. 1:04-CR-0106 |
| | : | |
| v. | : | (Judge Conner) |
| | : | |
| JOSEPH KELLY | : | |

ORDER

AND NOW, this 13th day of March, 2006, upon consideration of the letter from defendant dated March 6, 2006 and addressed to the attention of the court, requesting that the court prevent the Bureau of Prisons (“BOP”) from transferring defendant to another correctional facility, and it appearing that the transferring of prisoners is within the BOP’s discretion, see 18 U.S.C. § 3621(b) (“The Bureau of Prisons shall designate the place of the prisoner’s imprisonment.”), and that this court lacks jurisdiction to effect or prevent such a transfer, see United States v. Eakman, 378 F.3d 294, 300 (3d Cir. 2004) (“[T]he Bureau [of Prisons] has the exclusive authority to determine the place of imprisonment under 18 U.S.C. § 3621(b).”); see also United States v. Serafini, 233 F.3d 758, 777-78 (3d Cir. 2000) (holding that sentence would have been in error had district court ordered—rather than recommended—specific place of imprisonment), it is hereby ORDERED that:

1. The Clerk of Court is directed to DOCKET the correspondence from defendant dated March 6, 2006, as a motion to prevent transfer.
2. Defendant’s motion to prevent transfer is DENIED. See 18 U.S.C. § 3621(b); United States v. Eakman, 378 F.3d 294, 300 (3d Cir. 2004).

/s/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge